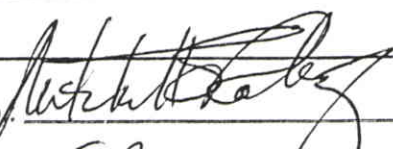


orig: M. W. J. cc: Pam
Horne

UNITED STATES DEPARTMENT OF THE INTERIOR Office of Surface Mining Reclamation and Enforcement 0001 TEN-DAY LETTER		Originating Office: OSM 625 Silver SW, Suite 310 Alb., NM 87102 Telephone Number: 505-766-1486	
Number: X - 91 - 02 - 370 - 005 TV 1		Ten-Day Letter to the State of Utah	
<p>You are notified that, as a result of <u>Federal oversight inspection</u> (e.g. a federal inspection, citizen information, etc.) the Secretary has reason to believe that the person described below is in violation of the Act or a permit condition required by the Act. If the State Regulatory Authority fails within ten days after receipt of this letter to take appropriate action to cause the violation(s) described herein to be corrected, or to show cause for such failure and transmit notice of your action to the Secretary through the originating office designated above, then a Federal inspection of the surface coal mining operation at which the alleged violation(s) is occurring will be conducted and appropriate enforcement action as required by Section 521(a)(1) of the Act will be taken.</p>			
Permittee: Beaver Creek Coal Co. (Or Operator if No Permit)		County: Emery	<input type="checkbox"/> Surface
Mailing Address: P.O. Box 1378, Price, UT 84501			<input checked="" type="checkbox"/> Underground
Permit Number: ACT/015/004		Mine Name: Huntington Canyon #4	<input type="checkbox"/> Other
NATURE OF VIOLATION AND LOCATION: Failure to have adequate liability insurance coverage. Applies to entire mine site. There are five mines permitted to Beaver Creek in Utah. The policy is for two million and covers all of Atlantic Richfield including Beaver Creek.		Section of State Law, Regulation or Permit Condition believed to have been violated: 614.301.890.100	
NATURE OF VIOLATION AND LOCATION: _____		RECEIVED APR 08 1991	
NATURE OF VIOLATION AND LOCATION: _____		Section of State Law, Regulation or Permit Condition believed to have been violated: _____	
NATURE OF VIOLATION AND LOCATION: _____		Section of State Law, Regulation or Permit Condition believed to have been violated: _____	
Remarks or Recommendations: _____			
Date of Letter: _____ cert. receipt # P965799053		Signature of Authorized Rep.  Print Name and ID: MITCHELL S. ROLLINGS (370)	

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
RANDOM SAMPLE MEIR SUPPLEMENT

1. Permittee Bear Creek Coal Co.

2. Permit Number ACT/015/004

3. Joint Inspection 1 Y/N 4 Date 3-20-91

5. Days since Last State Complete Inspection (ISCI) 202
6. Block 25 Categories in NON-COMPLIANCE this RSI 1
7. Total Violations this RSI 1

8. List (only once) all violations:
1) where State enforcement was required and taken during the ISCI;
2) recorded in the ISCI report but the State failed to take enforcement;
3) observed during this RSI which clearly existed during the ISCI but the State failed to take enforcement; and;
4) existing during this RSI which are not already listed under one of the categories above.

1. <u>614, 301, 890, 100</u>	LAW / SPECIFIC STATE REGULATION VIOLATED	B BLOCK 25 CATEGORY	C ABATED (Y/N)	D STATE ACTION	E REASON IF UNCITED	F CAUSE	G SERIOUSNESS	H IMPACT	I OSMRE ACTION	J OPTIONAL	K
2. <u> </u>	Description: <u>Public's insurance</u>	<u>1</u>	<u>N</u>	<u>2</u>			<u>1</u>	<u>7</u>	<u>2</u> (TDL)		
3. <u> </u>	Description: <u> </u>										
4. <u> </u>	Description: <u> </u>										
5. <u> </u>	Description: <u> </u>										
6. <u> </u>	Description: <u> </u>										
7. <u> </u>	Description: <u> </u>										
8. <u> </u>	Description: <u> </u>										
9. <u> </u>	Description: <u> </u>										
10. <u> </u>	Description: <u> </u>										

STATE ACTION

1) Entered on ISCI, cited
2) Entered on ISCI, not cited
3) Cited Prior to ISCI, Reclamation Pending
4) Occurred since ISCI

STATE'S REASON FOR NOT CITING VIOLATION (AFTER DISCUSSION WITH THE STATE)

1) Not a Violation
2) Precluded by State Policy
3) Not included under State Program
4) Warning given in lieu of a Citation
5) Violation not recognized (assess)
6) Practice allowed under approved Permit
7) Too minor to cite
8) Working with Operator to Correct
9) Other:

PROBABILITY OF EVENT OCCURRENCE

1) Perent Defect
2) Unusual Weather Conditions
3) Unofficial Worker
4) Operator Negligence
5) Other:

IMPACT

Damage Extends Within the Permit Area

1) More or Minor
2) Moderate
3) Considerable
4) More or Minor
5) Moderate
6) Considerable
7) Distraction to Enforcement

OSMRE ACTION

1) Referred to State Action
2) TDR issued
3) IS-CO issued
4) Previously Cited, Reclamation Pending
5) Audit pending or before inspection

United States Department of the Interior Office of Surface Mining Mine Site Evaluation Inspection Report

26. State Permit Number

27. Date of Inspection
(Y.Y. M M D D)

A 0 1 5 7 0 6 4

9 4 6 3 2 8

28. Yes ☒ No ☐ Do mining and reclamation activities on the site comply with the plans in the permit?

If no, provide narrative to support this determination.

29. Indicate number of complete and partial inspections conducted by the State to date for this annual review period:

29a. 02 Number of Completes

29b. 07 Number of Partials

30. Indicate number of complete and partial inspections required by the State during this annual review period:

30a. 07 Number of Completes

30b. 06 Number of Partials

31. Has inspection frequency been met?

Yes No

Yes No

31a. ☒ ☐ Completes31b. ☒ ☐ Partials

32. FEDERAL ENFORCEMENT INFORMATION: [Enter violation number. Check appropriate box(es)]

Ten-Day Notice No.

Notice of Violation No.

Cessation Order No.

Violation Codes

0 1 1 2 3 4 5 6 7 8 9

0 1 2 3 4 5 6 7 8 9

0 1 2 3 4 5 6 7 8 9

A ☐B ☐C ☐D ☐E ☐F ☐G ☐H ☐I ☐J ☐K ☐L ☐M ☐N ☐O ☐P ☐Q ☐R ☐S ☐T ☐U ☒

Authorizations to Operate

Signs and Markers

Backfilling and Grading

Highwall Elimination

Rills and Gullies

Improper Fills

Topsoil Handling

Sediment Ponds

Effluent Limits

Water Monitoring

Buffer Zones

Roads

Dams

Blasting

Revegetation

Spoil on the Downslope

Mining Without Permit

Exceeding Permit Limits

Distance Prohibitions

Toxic Materials

Other Violations

33. Name of Authorized Representative (print or type)

Signature of Authorized Representative

Date

Signature of Reviewing Official

Date

06 0

04 0

06 0

01 5

Beaver Creek Coal Co.
P.O. Box 1378
Price, UT 84501
801-637-5050

Huntington #4
ACT/015/004

Complete oversight inspection
3/28/91

Mitchell S. Rollings, 370, DSM
Bill Malencik, DOGM
Dan Guy, Beaver Creek

This was a complete, random sample, oversight inspection conducted with both an RA and company representative. The records were reviewed on March 26th, and the field part was done on March 28th.

The DOGM permit was issued 4/30/90, and expires 4/30/95. The site is reclaimed and had a Phase I bond release in November of 1986. The current bond is with United Pacific Insurance Co., #U630694, for \$144,041 and is valid until released or forfeited.

The UPDES permit, #UTG023116, has been "inactivated" by the Division of Environmental Health. AFD will send a letter to the Division of Environmental Health requesting clarification on why the permit was invalidated prior to Phase II bond release, especially in light of the fact that the outfall still exists.

The water monitoring schedule requires biannual sampling for water quality and monthly gauging of flows. The five locations have been monitored as required for the last year. The SPCC is current also. The required vegetation study was done in 1989. The subsidence monitoring was last done in 1989 also. Further subsidence monitoring has been suspended for now.

The quarterly pond inspections have been done for the last year; 10, 8, 5(2), and 2/90. The annual pond certification was done on 11/19/90.

TDL 91-02-370-005 TV1 is issued for failure to have adequate liability insurance. The liability insurance is with CIGNA with a policy period of 1/1/90 through 1/1/93. The limit is two million. A problem exists with this policy in that it covers "Atlantic Richfield Company, its Subsidiaries and subsidiaries thereof as now or hereinafter constituted...Including Beaver Creek Coal Company"

Beaver Creek Coal Co., has five permitted operations in Utah, so the policy is not adequate. The fact that this also covers all of ARCO also makes this inadequate. Upon return to AFD, Vickie Bryan, WSC, was contacted and she said that she had just finished a review of Utah liability insurance. She also came up with this mine as not meeting the requirements of the liability regulations. A minimum of

\$300,000 and \$500,000 per mine site is required by the State program regulations.

We were not able to drive all the way to the site because of the snow depth. This also made for a very limited inspection of the field conditions. Erosion, revegetation success, etc., could not be accurately assessed. I could not distinguish erosion in the upper and lower pad drainage channels nor in the reconstructed channels crossing the access road to the upper pad. The sedimentation pond 001A is a series of ponds. The upper pond spillway had eroded and been reconstructed, but I could not see any evidence of continued erosion. The lower pond discharges through a rock lined channel to a CMP under the access road and into the creek. The pipe appeared to be at least partially blocked by the snow. No violations were observed on the site.



Norman H. Bangerter

Governor

Anne Dandoy, M.D., M.P.H.

Executive Director

Kenneth L. Alkema

Director

DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH

288 North 1460 West

P.O. Box 16690

Salt Lake City, Utah 84116-0690

(801) 538-6121

May 1, 1989

Dan W. Guy
Manager of Permitting/Compliance
Beaver Creek Coal Company
P.O. Box 1378
Price, Utah 84501

Re: Issuance of General Permits for Coal
Mining UTG040003, UTG040004 and
UTG040005

Dear Mr. Guy:

We hereby acknowledge receipt by EPA and the State of five Notices of Intent (NOIs) for coverage under the Utah General Permit for Coal Mining. The NOI's for Beaver Creek Coal Company's Trail Mountain No. 9 Mine, Gordon Creek No. 2 Mine, Huntington Canyon No. 4 Mine, Gordon Creek No. 3 & 6 Mines and the CV Spur Processing/Loadout Facility are considered adequate. Three of the facilities will be issued a general permit and two of the existing facility permits will be inactivated because of completion of reclamation activities. Trail Mountain No. 9 Mine has been reassigned a new permit number UTG040003, Gordon Creek No. 2 Mine has been reassigned a new permit number UTG040004 and the CV Spur Processing/Loadout Facility has been assigned a new permit number UTG040005. Any future correspondence regarding these three facilities should refer to these numbers. The permits for Huntington Canyon No. 4 Mine UT0023116 and Gordon Creek No. 3 & 6 Mines UT0023060 will be inactivated.

A copy of the final signed permits are enclosed. Coverage shall begin June 1, 1989 and all requirements and conditions of the permits will be in full force and effect at that time.

Preprinted Discharge Monitoring Report forms (EPA form 3320-1) for self monitoring and reporting requirements as specified in the permits will be sent to Beaver Creek Coal by June 1st.

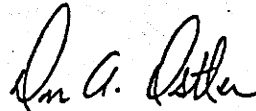
Dan Guy
Page Two

Also enclosed is the billing information for the issuance of your Utah Pollutant Discharge Elimination System (UPDES) permits. A fee schedule was included in the Utah Department of Health budget appropriation request at the direction of the Legislature and in accordance with Utah Code Annotated 26-1-6. The fee schedule as approved by the Legislature includes a \$100.00 filing fee and a charge equal to the Bureau of Water Pollution Control's actual costs for writing and issuance of a UPDES permit. It is Division policy to charge either the filing fee or the actual cost plus 7% whichever is greater. Please remit \$300.00 to the Utah Department of Health, Bureau of Water Pollution Control, P.O. Box 16690, Salt Lake City, Utah 84116-0690.

If you have any questions please contact Mike Herkimer at 538-6146.

Sincerely,

Utah Water Pollution Control Committee



Don A. Ostler, P.E.
Executive Secretary

Enclosure

MDH:st

cc: Janet Fujita, EPA Region VIII, w/enclosure
Joel Helfrich, DOGM, w/enclosure

1571-28

CERTIFICATE OF INSURANCE

11-28-89 mjt

CIGNA Property and Casualty Companies

This Certificate of Insurance neither affirmatively nor negatively
 menas, extends or alters the coverage, limits, terms or conditions
 of the policies it certifies.)

RECEIVED
 DEC 05 1989

CIGNA

Certify to

State of Utah
 Division of Oil, Gas and Mining
 Utah Department of Natural Resources
 4241 State Office Building
 Salt Lake City, UT 84114

DIVISION OF
 OIL, GAS & MINING

COMPANY CODES

- ☒ CIGNA INSURANCE COMPANY
- ☒ CIGNA INS. CO. OF TEXAS
- ☒ PACIFIC EMPLOYERS INS. CO.
- ☒ INSURANCE COMPANY OF NORTH AMERICA
- ☒ CIGNA INS. CO. OF ILLINOIS
- ☒ CIGNA INS. CO. OF OHIO
- ☐ (OTHER: — SPECIFY)

FOLO

That the following described policy or policies, issued by The Company as coded below,
 providing insurance only for hazards checked by "X" below, have been issued to:

NAME AND ADDRESS OF INSURED: Atlantic Richfield Company, its Subsidiaries and subsidiaries thereof as now or hereinafter constituted, Atlantic Richfield Plaza, 515 So. Flower Street, Los Angeles, CA 90071
 covering in accordance with the terms thereof, at the following location(s):

Including Beaver Creek Coal Company

TYPE OF POLICY	HAZARDS	CO. CODE	POLICY NUMBER	POLICY PERIOD	LIMITS OF LIABILITY
(a) Standard Workmen's Compensation & Employers' Liability	<input type="checkbox"/>	<input type="checkbox"/>			\$ Statutory W. C. One Accident and Aggregate Disease
(b) General Liability					
Premises—Operations (including "Incidental Contracts" as defined below)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ISL G1 077856-6	01-01-90 to 01-01-93	\$ *See Below Each Person
Independent Contractors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$ Each { <input type="checkbox"/> Accident <input type="checkbox"/> Occurrence
Completed Operations/Products	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$ Aggregate—Completed Operations/Products
Contractual, (Specific type as described in footnote below)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$
Premises—Operations (including "Incidental Contracts" as defined below)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ISL G1 077856-6	01-01-90 to 01-01-93	\$ *See Below Each { <input type="checkbox"/> Accident <input type="checkbox"/> Occurrence
Independent Contractors	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$ Aggregate—Prem./Oper.
Completed Operations/Products	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$ Aggregate—Protective
Contractual, (Specific type as described in footnote below)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$ Aggregate—Completed Operations/Products
					\$ Aggregate—Contractual
(c) Automobile Liability					
Owned Automobiles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ISA 001903	01-01-90 to 01-01-93	\$ *See Below Each Person
Hired Automobiles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$ Each { <input type="checkbox"/> Accident <input type="checkbox"/> Occurrence
Non-owned Automobiles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$
Owned Automobiles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ISA 001903	01-01-90 to 01-01-93	\$ *See Below Each { <input type="checkbox"/> Accident <input type="checkbox"/> Occurrence
Hired Automobiles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$
Non-owned Automobiles	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			\$
(d) SEE REVERSE					*2,000,000 Combined Single Limit per occurrence subject to aggregate of \$2,000,000, where applicable.

Contractual Footnote: Subject to all the policy terms applicable, specific contractual coverage is provided as respects

Check ☐ a contract
 Applicable ☐ purchase order agreements
☐ all contracts } between the Insured and.

NAME OF OTHER PARTY

DESCRIPTION (OR JOB)

It is the intention of the company that in the event of cancellation the policy or policies by the company, ten (10) days' written notice of such cancellation will be given to you at the address stated above.

DATE (if applicable)

CONTRACT NO. (if any)

Definitions: "Incidental Contract" means any contract, agreement or arrangement, in whole or in part, for the performance of work, or the furnishing of services, or the use of equipment, or the use of materials, or the use of labor, or the use of any other resources, in connection with construction or demolition or maintenance or repair work, except in connection with construction or demolition or maintenance or repair work.